LEVEL OF DATA NEEDS/THRESHOLD FOR INVOLVEMENT

I. SCOPE OF GUIDANCE

This guidance addresses the interagency process and level of data needed during project scoping, budgeting, and development stages. This guidance does not cover the many other sensitive environmental resources and issues (such as threatened and endangered species not associated with aquatic habitats, recreation land, cultural resources, socioeconomic concerns, and air quality) that must also be addressed at these stages as required by the pertinent laws and regulations.

II. PROJECT SCOPING AND BUDGETING STAGE

A. Agency Involvement

This interagency agreement outlines the activities of each agency. In preparing project scoping, WSDOT regions should use the process outlined in Appendices B and C.

B. Data Needs

1. Information Sources

a. The extent and quality of existing resources should be assessed to determine if avoidance alternatives are needed. To accomplish this, information sources[1] that must be consulted at this stage are:

(1) USFWS National Wetlands Inventory (NWI) maps.

(2) WDFW Priority Habitat Species database.

(3) USFWS and/or NMFS Endangered Species Office for associated sensitive species lists, maps, and/or Habitat Conservation Plans.

(4) Ecology's Section 303 (d) list for "Water Quality Limited Water Bodies."

(5) Site visit by WSDOT.

[1] Aquatic resources may exist but not be depicted in these general information sources; any such occurrences will need to be addressed when identified at a later stage.

b. It is recommended that the WSDOT regional offices also consult the following sources:

(1) Geographic information systems (GIS).

(2) USGS quadrangle maps.

(3) Aerial photographs (check with the COE, USFWS, WDNR, Ecology, general plans, commercial sources).

(4) Natural Resource Conservation Service (NRCS) soil survey maps.

(5) Existing environmental documents.

(6) County and local plans and ordinances applicable to the project.[2]

(7) Individuals, including resource agency and/or academic personnel, who are familiar with the biological resources of the project area.

(8) Any other technical information provided by WSDOT.

2. Products

As part of the project scoping, the project sponsor will provide regulatory and resource agencies with the following:

a. A project description including purpose and need (see Appendix D, Purpose and Need).

b. Maps that show project alternatives and the areal extent of, and impacts to, aquatic resources.

(1) Maps will be no smaller than a 1:1,200 scale, and need not be of publishable quality (e.g., highlighted maps or NWI printouts).

(2) Maps will include information compiled from WSDOT records and recent resource agency data. To prepare the maps, WSDOT will also utilize sensitive species information from USFWS, NMFS, WDFW, and WDNR for the vicinity of the project. The project sponsor will consider all species associated with Waters

[2]Examples of plans and ordinances are comprehensive plans, sensitive area ordinances, combined sewer overflow reduction plans, etc.

of the U. S./Waters of the State whose range includes the project site and whose life requirements are met by the aquatic habitat types that are present within the survey area. Potential impacts to associated sensitive species need to be identified as accurately as possible (given that less detailed information is available at this stage).

(3) The maps of special aquatic sites and other Waters of the U. S./Waters of the State will be checked in the field (a windshield survey is adequate). Impacts to Waters of the U. S./Waters of the State should be known to approximately 0.4 hectare (one acre).

c. A discussion of reasonable alternatives, including an evaluation of avoidance alternatives, their estimated costs (including potential mitigation), and general environmental implications (see Appendix E, Alternatives Analysis/Aquatic Resource Avoidance).

d. A preliminary impacts comparison (i.e., table or matrix) based on the site visit showing the relative impacts of the project alternatives on:

(1) The quantity (hectares and acres) and general functions and values of Waters of the U. S./Waters of the State (showing special aquatic sites separately).
(2) The quantity (hectares and acres) of associated sensitive species habitat.
(3) The magnitude of impacts to other environmental resources.

e. A discussion of cumulative impacts on aquatic resources.

III. PROJECT DEVELOPMENT STAGE

A. Agency Involvement

1. This interagency agreement outlines the activities of each agency. Project sponsors preparing EISs should use the process in the NEPA, SEPA,[3] and Section 404 EIS Concurrent Process outlined in Appendix B. For EAs or CEs, the project sponsor should refer to the NEPA, SEPA, and Section 404 EA/CE Concurrent Process outlined in Appendix C.

2. If sensitive species are identified in the project area, the project sponsor will coordinate with the USFWS, NMFS, and the WDFW to identify

[3]Refer to Implementing Agreement between WSDOT & Ecology Concerning Wetlands Protection & Management, July 1, 1993.

the full extent of the sensitive species habitat, the potential project impacts, and the appropriate avoidance, minimization, and compensatory mitigation measures.[4]

B. Data Needs

Data requirements for the documents referenced in this interagency agreement are described below.

1. EA Development - If an EA is the appropriate environmental document, the following data will be provided to signatory agencies to assist in EA development.

   a. A detailed project description.

   b. A detailed purpose and need statement (see Appendix D, Purpose and Need).

   c. A draft Alternatives Analysis as described in Appendix E, Alternatives Analysis/Aquatic Resource Avoidance.

   d. Preliminary conclusions regarding significance of anticipated impacts.

   e. Information on aquatic sites and other Waters of the U. S./Waters of the State (if applicable):

      (1) A delineation[5] of all wetlands and other Waters of the U. S./Waters of the State that could be affected by the proposed project will be submitted to the COE at the time of application. For projects that impact wetlands located on agricultural lands, the delineation will be submitted to NRCS.
      (2) A detailed description of the site including a list of plant and animal species noted during field investigations, a list of habitat types, a list of appropriate indicator species and their status, and a table showing the amount of each wetland in hectares and acres.
      (3) A discussion of the affected functions and values. The assessment should determine which functions are performed by wetland/waters, the value of those functions, and how the

[4]Refer to 50 CFR Part 402 for the procedural regulations governing interagency cooperation under section 7 of the Endangered Species Act of 1973, as amended.

[5]The preferred alternative is the only alternative that is delineated.

project will affect the continued performance of the identified functions.

(4) A detailed description of project impacts (direct, indirect, and cumulative), including the type of impact (e.g., habitat removal, fragmentation, introduction of exotic species) and its magnitude.

(5) A description of proposed mitigation measures and a initial mitigation plan of candidate mitigation sites (see Appendix F, Compensatory Mitigation).

f. The results of formal or informal Section 7 consultation and concurrence letters (if applicable).

2. Notice of Intent (NOI) (EISs only)

The NOI should summarize the following information from the project definition and budgeting stage:

a. Project description

b. Purpose and Need (see Appendix D, Purpose and Need).

c. Potential alternatives and their major issues related to environmental resources (see Appendix E, Alternatives Analysis/Aquatic Resource Avoidance).

d. Proposed scoping process, schedule, and contact person(s).

3. EIS Scoping Notice - If an EIS is the appropriate environmental document, the following scoping information will be provided to regulatory and resource agencies to assist them in scoping the EIS.

The "scoping notice information" (see Appendix B, NEPA, SEPA, and 404 Permit Concurrent Process) to be included in the project sponsor invitation letter to the regulatory and resource agencies is the information outlined in II.B.2., above. In particular, it should include a discussion of purpose and need (see Appendix D, Purpose and Need), preliminary criteria for selecting the range of alternatives, and the preliminary project alternatives to be evaluated in the draft EIS (see Appendix E, Alternatives Analysis/Aquatic Resource Avoidance). This information must be developed at this stage if not done earlier.

4. Draft EIS Development

a. The project sponsor should refine the purpose and need and alternatives analysis as outlined in Appendix D, Purpose and Need

and Appendix E, Alternatives Analysis/Aquatic Resource Avoidance for the Project Development stage. The project sponsor should incorporate any information obtained during the scoping process on Waters of the U. S./Waters of the State and associated sensitive species.

b. The project sponsor should include the following information on special aquatic sites and other Waters of the U. S./Waters of the State in the draft EIS:

(1) A delineation[6] of all wetlands and other Waters of the U. S./Waters of the State that could be affected by the proposed project (provided to the COE or NRCS as appropriate [separately from the EIS]).
(2) A detailed description of the site including a list of plant and animal species noted during field investigations, a list of habitat types, a list of appropriate indicator species and their status, and a table showing the amount of each wetland in hectares and acres.
(3) A detailed assessment of project impacts on special aquatic sites and other Waters of the U. S./Waters of the State as follows:

(a) A discussion of the affected functions and values. The assessment should determine which functions are performed by the wetland/waters, the value of those functions, and how the project will affect the continued performance of the identified functions.
(b) A detailed description of project impacts (direct, indirect, and cumulative), including the type of impact (e.g., habitat removal, fragmentation, introduction of exotic species) and its magnitude. These effects must be evaluated in the appropriate local or regional context. In most cases, a regional context will be appropriate. However, in some instances it may be more reasonable to evaluate the resource in a local context. For example, an aquatic habitat may be well represented in the region, but extremely scarce locally.

(4) A initial mitigation plan of candidate mitigation sites (see Appendix F, Compensatory Mitigation).

[6]The preferred alternative is the only alternative that is delineated.

c. If associated threatened or endangered or sensitive species will be affected, the draft EIS will also contain the following information:

(1) The biological assessment as described under A., Agency Involvement.
(2) The results of formal or informal Section 7 consultation and concurrence letters (if applicable).

d. When the project sponsor is evaluating significant adverse effects in an EIS and there are gaps in relevant information, or scientific uncertainty, the project sponsor will make clear that such information is lacking or that uncertainty exists by following the procedures outlined in 40 CFR 1502.22.

5. The 404 permit application package will contain:

a. A completed Section 404 permit application form and appropriate drawings suitable for public notice.

b. Information from the environmental document that provides:

(1) A description of the project and its alternatives.
(2) Discussions of the impacts to aquatic resources and the proposed mitigation.
(3) A draft Section 404(b)(1) alternatives analysis.
(4) Wetland delineation.

6. Final EIS/FONSI

a. The final document will include:

(1) A final alternatives analysis identifying the NEPA and SEPA preferred/404 least environmentally damaging practicable alternative (see Appendix E, Alternatives Analysis/Aquatic Resource Avoidance).
(2) Identification of the apparent final mitigation plan (see Appendix F, Compensatory Mitigation).